



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: E. HEBERT *et al.*

Application No.: 09/274,015

Filed: March 22, 1999

For: MULTILAYER GOLF BALL WITH A THIN
THERMOSET OUTER LAYER

Attorney Docket No: 20002.0052
(formerly 174-745)
Group Art Unit: 1732

Examiner: E. Lee

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §
1.181(a) BASED ON TIMELY FILED REPLY TO OFFICE ACTION**

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed October 27, 2004, Applicants submit this petition to withdraw the holding of abandonment because a reply to the Office Action mailed on March 12, 2003 was timely filed by Applicants' representatives. What follows is a more detailed account of the filing and further evidence that the Office Action was never received.

Brief Explanation in Support of Petition

The Notice of Abandonment indicates that no reply was received in response to an Office letter mailed on March 12, 2003. Applicants respectfully submit that a reply was timely filed on May 30, 2003 as evidenced by the following documents:

- (1) A copy of the Response to Final Office Action and associated transmittal papers filed on May 30, 2003 (Exhibit A);
- (2) A copy of the filing postcard stamped by the USPTO on May 30, 2003 (Exhibit B); and
- (3) A copy of costs charged to the instant application (Exhibit C).

In particular, the Response to Final Office Action ("Response") was filed on May 30, 2003. *See* Exhibit A. The Response requested that the Finality of the Office Action be withdrawn for the reasons provided on pages 6-7 of the Response. In addition, the Response included a Declaration of Shenshen Wu Under 37 C.F.R. § 1.132 ("Declaration"). An

Information Disclosure Statement ("IDS") was filed concurrently. The stamped postcard evidences that the Response, Declaration, and IDS, as well as associated transmittal papers, was filed with the United States Patent and Trademark Office on May 30, 2003 (Exhibit B). Furthermore, a summary of costs charged against the instant application from May 30, 2003 to June 26, 2003 is provided herewith as Exhibit C. This summary includes a charge of \$180 from the USPTO on June 2, 2003 that corresponds to the fee for the IDS filed with the May 30, 2003 filing.

Conclusion

For the reasons stated above, Applicants respectfully request withdrawal of the holding of abandonment. Should further information be required in order to act favorably to this petition, Applicants' representatives invite any such requests be made by telephone at the number provided below in order to expedite this matter.

No fee is believed to be due at this time. Should any fees be required, however, please charge such fees to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 20002.0052.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

Dated: November 4, 2004

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APPENDIX A
COPY OF RESPONSE TO FINAL OFFICE ACTION

A copy of the Response to Final Office Action, Declaration of Shenshen Wu Under 37 C.F.R. § 1.132, Information Disclosure Statement and Form PTO-1449, and associated transmittal forms filed on May 30, 2003 follows.

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